

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

**CARL FORSELL
d/b/a NONCE PTE., LTD,**

Plaintiff,

-v-

SQUIRRELS, LLC., et al.,

Defendants.

: Case No. 5:22-cv-01454-SL
:
:
: JUDGE SARA LIOI
:
: DEFENDANT ALLMINE, INC.’S
: ANSWER TO PLAINTIFF’S
: COMPLAINT
:
:

Now comes Defendant Allmine, Inc. (“Defendant,”) by and through undersigned counsel, for their Answer to Plaintiff Carl Forsell d/b/a NONCE PTE., LTD’s (“Plaintiff”) Complaint (the “Compliant”), hereby states as follows:

ANSWER

1. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 1 of the Complaint and therefore denies the same.
2. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 2 of the Complaint and therefore denies the same.
3. In response to the allegations in Paragraph 3 of the Complaint, Defendant admits that it is a company incorporated in the Commonwealth of Kentucky. Except as expressly admitted to herein, the Defendant denies the remaining allegations in Paragraph 3 of the Complaint.
4. The allegations in Paragraph 4 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a response is required, the Defendant states it is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 4 of the Complaint and therefore denies the same.

5. The allegations in Paragraph 5 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a response is required, the Defendant states it is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 5 of the Complaint and therefore denies the same.
6. The allegations in Paragraph 6 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a response is required, the Defendant states it is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 6 of the Complaint and therefore denies the same.
7. In response to the allegations contained in Paragraph 7 of the Complaint, Defendant incorporates by reference all admissions, denials, and statements set forth above as though fully set forth herein.
8. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8 of the Complaint and therefore denies the same.
9. Defendant denies the allegations contained in Paragraph 9 of the Complaint.
10. In response to the allegations contained in Paragraph 10 of the Complaint, Defendant admits that Plaintiff placed an order on the website FGPA.land for the BCU1525 product. Defendant states that Exhibit A to the Complaint speaks for itself. Except as expressly admitted to herein, Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 10 of the Complaint, and therefore denies the same.

11. In response to the allegations contained in Paragraph 11 of the Complaint, Defendant admits that Plaintiff placed an order on the website FGPA.land for the BCU1525 product. Defendant states that Exhibit B to the Complaint speaks for itself. Except as expressly admitted to herein, Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 11 of the Complaint, and therefore denies the same.
12. In response to the allegations contained in Paragraph 12 of the Complaint, Defendant admits that Plaintiff placed an order on the website FGPA.land for the BCU1525 product. Defendant states that Exhibit C to the Complaint speaks for itself. Except as expressly admitted to herein, Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 12 of the Complaint, and therefore denies the same.
13. In response to the allegations contained in Paragraph 13 of the Complaint, Defendant admits that Plaintiff placed an order on the website FGPA.land for the BCU1525 product. Defendant states that Exhibit D to the Complaint speaks for itself. Except as expressly admitted to herein, Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13 of the Complaint, and therefore denies the same.
14. In response to the allegations contained in Paragraph 14 of the Complaint, Defendant admits that Plaintiff placed an order on the website FGPA.land for the BCU1525 product. Defendant states that Exhibit E to the Complaint speaks for itself. Except as expressly admitted to herein, Defendant is without knowledge or information sufficient to form a

belief about the truth of the allegations in Paragraph 14 of the Complaint, and therefore denies the same.

15. In response to the allegations contained in Paragraph 15 of the Complaint, Defendant admits that Plaintiff placed an order on the website FGPA.land for the BCU1525 product. Defendant states that Exhibit F to the Complaint speaks for itself. Except as expressly admitted to herein, Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15 of the Complaint, and therefore denies the same.

16. In response to the allegations contained in Paragraph 16 of the Complaint, Defendant admits that Plaintiff placed an order on the website FGPA.land for the BCU1525 product. Defendant states that Exhibit G to the Complaint speaks for itself. Except as expressly admitted to herein, Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16 of the Complaint, and therefore denies the same.

17. In response to the allegations contained in Paragraph 17 of the Complaint, Defendant admits that Plaintiff placed an order on the website FGPA.land for the BCU1525 product. Defendant states that Exhibit H to the Complaint speaks for itself. Except as expressly admitted to herein, Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17 of the Complaint, and therefore denies the same.

18. In response to the allegations contained in Paragraph 18 of the Complaint, Defendant admits that Plaintiff placed an order on the website FGPA.land for the BCU1525 product. Defendant states that Exhibit I to the Complaint speaks for itself. Except as expressly

admitted to herein, Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18 of the Complaint, and therefore denies the same.

19. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 19 of the Complaint and therefore denies the same.

20. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20 of the Complaint and therefore denies the same.

21. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 21 of the Complaint and therefore denies the same.

22. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 22 of the Complaint and therefore denies the same.

23. The allegations in Paragraph 23 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a response is required, Defendant states that Exhibit M to the Complaint speaks for itself. Defendant admits that Plaintiff requested certain refunds from the Defendant and that the Defendant in fact refunded Plaintiff all money requested that was under the Defendant's control. Except as expressly admitted to herein, the Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 23 of the Complaint and therefore denies the same.

24. Defendant denies the allegation that Plaintiff has not received refunds of funds paid, as alleged in Paragraph 24 of the Complaint. Defendant states that Plaintiff received a refund from Defendant of all money requested that was under the Defendant's control. Defendant

is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 24 of the Complaint and therefore denies the same.

25. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 25 of the Complaint and therefore denies the same.

26. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26 of the Complaint and therefore denies the same.

27. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27 of the Complaint and therefore denies the same.

28. In response to the allegations contained in Paragraph 28 of the Complaint, Defendant incorporates by reference all admissions, denials, and statements set forth above as though fully set forth herein.

29. The allegations in Paragraph 29 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a response is required, the Defendant states it is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 29 of the Complaint and therefore denies the same.

30. The allegations in Paragraph 30 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a response is required, the Defendant states it is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 30 of the Complaint and therefore denies the same.

31. The allegations in Paragraph 31 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a

response is required, the Defendant states it is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31 of the Complaint and therefore denies the same.

32. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 32 of the Complaint and therefore denies the same.

33. The allegations in Paragraph 33 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a response is required, the Defendant states it is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 33 of the Complaint and therefore denies the same.

34. The allegations in Paragraph 34 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a response is required, the Defendant states it is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 34 of the Complaint and therefore denies the same.

35. Defendant denies the allegations contained in Paragraph 35 of the Complaint.

36. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36 of the Complaint and therefore denies the same.

37. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37 of the Complaint and therefore denies the same.

38. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38 of the Complaint and therefore denies the same.

39. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 39 of the Complaint and therefore denies the same.
40. In response to the allegations contained in Paragraph 40 of the Complaint, Defendant incorporates by reference all admissions, denials, and statements set forth above as though fully set forth herein.
41. The allegations in Paragraph 41 of the Complaint purport to state one or more legal conclusions, such that no response to these allegations is required. To the extent that a response is required, the Defendant states it is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 41 of the Complaint and therefore denies the same.
42. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 42 of the Complaint and therefore denies the same.
43. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43 of the Complaint and therefore denies the same.
44. Defendant is without knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 44 of the Complaint and therefore denies the same.

AFFIRMATIVE DEFENSES

45. Plaintiff's Complaint fails to state a claim upon which relief may be granted.
46. No contract existed between the Plaintiff and Defendant.
47. If a contract existed between the Plaintiff and Defendant, the contract was breached by a third-party Squirrels Research Labs, LLC and/or Defendant Squirrels, LLC and not the answering Defendant.

48. If a contract existed between the Plaintiff and Defendant, the Defendant's performance was frustrated, made commercially impractical, and/or made impossible, by the actions or inactions of a third-party, thereby excusing the answering Defendant's performance.
49. Plaintiff's right of recovery, if any, is barred by the equitable defenses of estoppel and waiver.
50. Plaintiff has failed to join necessary parties as required by Fed. R. Civ. P. 19.
51. Plaintiff's Complaint is barred by the affirmative defenses of res judicata, collateral attack, statute of limitations, failure of consideration, the statute of frauds, and/or laches.
52. Plaintiff's Complaint is barred by accord and/or satisfaction.
53. Plaintiff's Complaint is barred by the unclean hands of Plaintiff.
54. Plaintiff has failed to mitigate its damages, the existence of which is denied.
55. Plaintiff is not the real party in interest as to all, or a portion of, the claims asserted herein.
56. Defendant states that the claims and damages in Plaintiff's Complaint were not the proximate and/or direct result of any action or inaction of the answering Defendant, and therefore, Plaintiff is barred from recovery from Defendant.
57. Plaintiff's alleged damages are the sole and proximate result of intentional and/or negligent acts on the part of others for which Defendant has no liability or responsibility and such acts are a complete or comparative bar to Plaintiff's recovery herein as to Defendant.
58. Defendant hereby gives notice of its intent to reply on such additional affirmative defense as are revealed through the course of discovery.

WHEREFORE, having fully answered, Defendant prays that Plaintiff's Complaint be dismissed at its cost, that Plaintiff recover nothing thereby, that Plaintiff be ordered to pay its costs and reasonable attorney's fees, and for other and further relief to which they may be entitled.

/s/ Christopher P. Finney
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CERTIFICATE OF SERVICE

A copy of the foregoing has been served via electronic mail this 5th day of July 2023 to all parties via the Courts Electronic Filing System.

/s/ Christopher P. Finney
Christopher P. Finney (0038998)